

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:18-cv-02823-CJN**

AGUIAR v. EXECUTIVE OFFICE OF UNITED STATES  
ATTORNEYS

Assigned to: Judge Carl J. Nichols  
Cause: 05:552 Freedom of Information Act

Date Filed: 11/30/2018

Jury Demand: Plaintiff

Nature of Suit: 550 Prisoner Petition: Civil  
Rights (Other)

Jurisdiction: U.S. Government Defendant

**Plaintiff**

**STEPHEN AGUIAR**

represented by **STEPHEN AGUIAR**  
R03722-082  
PETERSBURG  
FEDERAL CORRECTIONAL  
INSTITUTION  
Inmate Mail/Parcels  
P.O. BOX 1000  
PETERSBURG, VA 23804-1000  
PRO SE

V.

**Defendant**

**EXECUTIVE OFFICE OF UNITED  
STATES ATTORNEYS**

represented by **Denise M. Clark**  
U.S. ATTORNEY'S OFFICE FOR THE  
DISTRICT OF COLUMBIA  
555 Fourth Street, NW  
Washington, DC 20530  
(202) 252-6605  
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Email: [denise.clark@usdoj.gov](mailto:denise.clark@usdoj.gov)  
*TERMINATED: 11/26/2019*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Michelle D. Jackson**  
U.S. ATTORNEY'S OFFICE  
Homicide Section  
555 Fourth Street, NW  
Washington, DC 20530  
202-252-7230  
Email: [michelle.d.jackson@usdoj.gov](mailto:michelle.d.jackson@usdoj.gov)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

| Date Filed | #        | Docket Text   |
|------------|----------|---|
| 11/30/2018 |          | <b>Initiating Pleading &amp; IFP Application Received on 11/30/2018.</b> A copy of the docket sheet has been mailed to the address of record for the pro se party. (zrdj) (Entered: 12/07/2018) |
| 11/30/2018 | <u>1</u> | COMPLAINT against EXECUTIVE OFFICE OF UNITED STATES ATTORNEYS with Jury Demand filed by STEPHEN AGUIAR.(zrdj) (Entered: 12/07/2018)   |
| 11/30/2018 | <u>2</u> | MOTION for Leave to Proceed in forma pauperis by STEPHEN AGUIAR (zrdj) (Entered: 12/07/2018)  |
| 11/30/2018 | <u>3</u> | PRISONER TRUST FUND ACCOUNT STATEMENT for period of six months by STEPHEN AGUIAR (zrdj) (Entered: 12/07/2018)   |

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| 01/09/2019 | <u>4</u>  | ORDER directing an initial partial filing fee in the amount of \$0.00 from Prison Account of STEPHEN AGUIAR and granting <u>2</u> MOTION for Leave to Proceed In Forma Pauperis (see order for full details). Pro Se party has been notified by first class mail. Signed by Judge Randolph D. Moss on 12/31/2018. (zrdj) (Entered: 01/10/2019)   |
| 01/11/2019 |           | Case Reassigned to Judge Ketanji Brown Jackson. Unassigned is no longer assigned to the case. (zrdj) (Entered: 01/11/2019)   |
| 01/15/2019 | <u>5</u>  | SUMMONS (3) Issued as to EXECUTIVE OFFICE OF UNITED STATES ATTORNEYS, U.S. Attorney and U.S. Attorney General (zrdj) (Entered: 01/15/2019)   |
| 05/30/2019 |           | MINUTE ORDER: The Deputy Clerk shall reissue the summons and provide it and the FOIA complaint to the United States Marshals Service, which shall promptly serve process upon the agency defendant and the United States. SO ORDERED. Signed by Judge Ketanji Brown Jackson on 5/30/19.(ah) (Entered: 05/30/2019)  |
| 06/07/2019 |           | SUMMONS (3) REISSUED as to EXECUTIVE OFFICE OF UNITED STATES ATTORNEYS, and non-parties U.S. Attorney and U.S. Attorney General (zmc) (Entered: 06/10/2019)  |
| 06/17/2019 | <u>6</u>  | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 6/10/2019. Answer due for ALL FEDERAL DEFENDANTS by 7/10/2019. (jf) (Entered: 06/18/2019)   |
| 06/24/2019 |           | Case directly reassigned to Judge Carl J. Nichols. Judge Ketanji Brown Jackson is no longer assigned to the case. (ztnr) (Entered: 06/24/2019)   |
| 07/03/2019 | <u>7</u>  | MOTION for Extension of Time to <i>Respond to Complaint</i> by EXECUTIVE OFFICE OF UNITED STATES ATTORNEYS (Clark, Denise) (Entered: 07/03/2019)   |
| 07/09/2019 | <u>8</u>  | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. EXECUTIVE OFFICE OF UNITED STATES ATTORNEYS served on 6/19/2019, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 6/19/19. (ztd) (Entered: 07/12/2019)  |
| 07/17/2019 |           | MINUTE ORDER. Upon consideration of Defendant's <u>7</u> Motion for Extension of Time to Respond to Complaint, it is hereby ORDERED that the Motion is GRANTED and that the deadline is extended to August 23, 2019. It is further ORDERED that the Clerk shall mail a copy of this Minute Order to the Plaintiff's address on record. Signed by Judge Carl J. Nichols on July 17, 2019. (lccjn1) (Entered: 07/17/2019)  |
| 07/17/2019 |           | Set/Reset Deadlines/Hearings: Answer to Complaint due by 8/23/2019. (zcdw) (Entered: 07/22/2019)   |
| 08/23/2019 | <u>9</u>  | ANSWER to <u>1</u> Complaint by EXECUTIVE OFFICE OF UNITED STATES ATTORNEYS.(Clark, Denise) (Entered: 08/23/2019)  |
| 08/23/2019 |           | MINUTE ORDER. Before the Court in this Freedom of Information Act case are an incarcerated Plaintiff's <i>pro se</i> Complaint and an Answer. The requirements of Local Civil Rule 16.3 and Federal Rule of Civil Procedure 26(f) appear to be inapplicable. It is hereby ORDERED that Defendant shall file a Status Report on or before September 20, 2019. The Status Report shall address: (1) the status of Plaintiff's FOIA request; (2) the anticipated number of documents responsive to Plaintiff's FOIA request; (3) the anticipated date(s) for release of the documents requested by Plaintiff; (4) whether a motion for stay is likely under <i>Open America v. Watergate Special Prosecution Force</i> , 547 F.2d 605 (D.C. Cir. 1976); and (5) whether the Parties anticipate summary judgment briefing and, if so, a proposed briefing schedule. Signed by Judge Carl J. Nichols on August 23, 2019. (lccjn1) (Entered: 08/23/2019) |
| 08/23/2019 |           | Set/Reset Deadlines/Hearings: Defendant's Status Report due by 9/20/2019. (zcdw) (Entered: 08/25/2019)   |
| 09/20/2019 | <u>10</u> | STATUS REPORT by EXECUTIVE OFFICE OF UNITED STATES ATTORNEYS. (Clark, Denise) (Entered: 09/20/2019)  |
| 09/23/2019 |           | MINUTE ORDER. In light of Defendant's <u>10</u> Status Report, it is hereby ORDERED that (1) on or before December 10, 2019, Defendant shall file its Motion for Summary   |

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|            |           | Judgment; (2) on or before February 10, 2020, Plaintiff shall file his Opposition to Defendant's Motion and his Cross Motion for Summary Judgment; (3) on or before March 10, 2020, Defendant shall file its Reply to Plaintiff's Opposition and its Opposition to Plaintiff's Cross Motion for Summary Judgment; and (4) on or before April 10, 2020, Plaintiff shall file his Reply to Defendant's Opposition. Signed by Judge Carl J. Nichols on September 23, 2019. (lccjn1) (Entered: 09/23/2019) |
| 09/23/2019 |           | Set/Reset Deadlines/Hearings: Defendant's Summary Judgment motion due by 12/10/2019. Response to Motion for Summary Judgment due by 2/10/2020. Reply to Motion for Summary Judgment due by 3/10/2020. Plaintiff's Cross Motion due by 2/10/2020. Response to Cross Motion due by 3/10/2020. Reply to Cross Motion due by 4/10/2020. (zcdw) (Entered: 09/24/2019)   |
| 11/26/2019 | <u>11</u> | NOTICE OF SUBSTITUTION OF COUNSEL by Michelle D. Jackson on behalf of All Defendants Substituting for attorney Denise M. Clark (Jackson, Michelle) (Entered: 11/26/2019)   |